

C. M. WINKLER.

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Clinton McKamy Winkler, a judge of the Texas Court of Appeals, was born in Burke County, North Carolina, on the 19th day of October, 1821, but was reared in part in the State of Indiana, whither his father, who was a planter, removed his family in 1835. Young Winkler, having received such education in the common schools of the country as the duties of the farm would permit, and from his mother, who was an educated lady, emigrated in 1840 to the Republic of Texas, and settled at Franklin, at that time the county seat of Robertson County, where he engaged employment in the office of the county clerk, and devoted his leisure hours to the study of law. In 1843 he was appointed deputy clerk of the district court, and continued at the same time his preparation for the bar, to which he was soon afterwards admitted. In 1844 he was elected to the same office, from which he retired in 1846, and entered vigorously upon the practice of his profession. In 1848 he removed to Corsicana, where he permanently located, and soon acquired distinction in his profession and a high place in the esteem and confidence of his fellow-citizens. He was, during the same year, elected a member of the Second Legislature, convened after the annexation of the Republic to the Union.

With the exception of one term in the Legislature, Mr. Winkler pursued his profession without intermission until 1861, when he promptly responded to the gage of battle offered to his section, and took up arms in behalf of the South, to the cause of which he was ardently devoted. He was not altogether a stranger to the dangers and hardships of war. Having settled on the frontier of Texas at a time when it needed protection from the invasion of the ruthless

savage, he was early inured to the life of a ranger, and had learned something of the art of warfare in defending the firesides and cornfields of the border settlers, among whom he dwelt.

Upon the election of Mr. Lincoln to the Presidency, by a faction which proclaimed an "irrepressible conflict" with the institutions of the South and the Constitution of the Union, he saw no hopes for his country but in secession, and then in war, bitter, fierce and successful; and early in 1861 he was elected captain of an infantry company, which formed a part of Hood's famous regiment, the Fourth Texas, to the command of which he attained in the latter part of the struggle. He was a brave soldier and an excellent officer. He was greatly admired and beloved by his men, and they would have followed him into the mouths of the guns of Balaklava. His services were conspicuous in all the great battles of Virginia, and ended with the surrender of General Lee at Appomattox. He was severely wounded at the battle of Gettysburg, where his regiment was engaged in the death-struggle for the possession of Round Top, and many instances of his gallantry are related.

At the expiration of the war, Colonel Winkler returned to Corsicana and resumed the practice of his profession. In 1866 he was prematurely declared to be elected judge of the Thirteenth Judicial District, and being properly qualified, entered upon the discharge of the duties of that office; but having subsequently ascertained that his competitor was really elected, he immediately surrendered the office and returned to the bar, and devoted his energies exclusively to his practice until he was elected in 1873 a member of the Thirteenth Legislature, in which he was conspicuous for the fidelity with which he represented the interests of his constituents and for the zeal with which he endeavored to promote the general welfare of the State.

In 1876 he was elected by the people one of the judges of the Court of Appeals, and held this office at the time of his death, which occurred after a brief illness while engaged in his judicial labors, at Austin, on the 13th of May, 1882.

While Judge Winkler was by no means a man of brilliant genius, yet, if the soul and feeling which eloquently spoke in all his acts; if an intellectual capacity for the most useful and honorable attainment in every sphere of life, are elements of genius, he participated largely in that subtle quality. While he may not have had that coruscating brilliancy of imagination which Shakespeare characterizes as a "fine frenzy," he possessed a clear and accurate perception, a sound and penetrating judgment, and an indefatigable power of application. Hence, his knowledge of law was thorough and always at his command.

As a lawyer, he was alert, patient and painstaking, and was sedulous in the preparation of his cases. These qualities bore him steadily upward in his profession, and, combined with a firm and unbending integrity, a vigorous common sense, and a sagacity which embraced alike the grandest outlines and the minutest details, eminently qualified him for the position he occupied upon the bench.

As a judge of the Court of Appeals, he was conscientious and upright, and bent his untiring energies to the adjustment of every case, by the strict rule of law, and the even scale of justice. He was thoroughly familiar with the Criminal Code of Texas, and his long experience at the bar had rendered him expert in the methods of criminal procedure. He was master of the science of criminal pleading, skillful in determining the character and force of technicalities, and his decisions are characterized by an unvarnished chain of logic, a just interpretation of fact, a firm application of law, and a thorough vindication of justice.

As a man, the character of Judge Winkler was symmetrical and elevated. His ruling attributes were candor, truth and charity, and while he was modest in his personal exactions he was exceedingly tender and considerate in regard to the feelings and rights of others. He was faithful to his friends, and his domestic virtues were exalted by the most devoted sentiments of love and affection. He was first married in 1848 to Miss Louisa Smith, of Navarro County, an excellent lady, who died in 1861. In January, 1864, he

was married at Richmond, Va., to Miss Angie V. Smith, a lady of rare accomplishments who still survives him, and who by her culture and literary attainments has woven from the sable weeds of widowhood the bright robes of prosperity and distinction. She is the founder and the editress of that sparkling publication, the *Corsicana Prairie Flower*.

Judge Winkler was held in the highest esteem by his brethren of the bench, and the members of the bar. His uniform courtesy and kindness endeared him to all who associated with him or practiced in his court, and his remains were attended to their burial at Corsicana by the judges of the high courts and a concourse of admiring friends. He was a sincere believer in the promises of Scripture, and died in the firm faith of Christianity. His name is luminously inscribed in the military and judicial annals of Texas. *Ibi emicat in æternum.*